

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1138 be amended to read as follows:

- 1 Page 13, between lines 32 and 33, begin a new paragraph and insert:
- 2 "SECTION 20. IC 36-9-23-33, AS AMENDED BY P.L.98-2000,
- 3 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2002]: Sec. 33. (a) An officer described in subsection (b) may
- 5 defer enforcing the collection of unpaid fees and penalties assessed
- 6 under this chapter until the unpaid fees and penalties have been due
- 7 and unpaid for at least ninety (90) days.
- 8 (b) Except as provided in subsection (l), the officer charged with the
- 9 collection of fees and penalties assessed under this chapter shall
- 10 enforce their payment. As often as the officer determines is necessary
- 11 in a calendar year, the officer shall prepare a list of the delinquent fees
- 12 and penalties that are enforceable under this section, which must
- 13 include:
- 14 (1) the name or names of the owner or owners of each lot or
- 15 parcel of real property on which fees are delinquent;
- 16 (2) the description of the premises, as shown by the records of the
- 17 county auditor; and
- 18 (3) the amount of the delinquent fees, together with the penalty.
- 19 (c) The officer shall record a copy of each list with the county
- 20 recorder who shall charge a fee for recording it in accordance with the
- 21 fee schedule established in IC 36-2-7-10. The officer shall then mail to
- 22 each property owner on the list a notice stating that a lien against the
- 23 owner's property has been recorded. Except for a county having a
- 24 consolidated city, a service charge of five dollars (\$5), which is in

1 addition to the recording fee charged under this subsection and under  
2 subsection (f), shall be added to each delinquent fee that is recorded.

3 (d) This subsection applies only to a county containing a  
4 consolidated city. Using the lists prepared under subsection (b) and  
5 recorded under subsection (c), the officer shall certify to the county  
6 auditor a list of the liens that remain unpaid according to a schedule  
7 agreed upon by the county treasurer and the officer for collection with  
8 the next cycle's property tax installment. The county and its officers  
9 and employees are not liable for any material error in the information  
10 on the list.

11 (e) Using the lists prepared under subsection (b) and recorded under  
12 subsection (c), ~~after September 1 of the preceding calendar year and~~  
13 ~~before September 1 of the current calendar year, each quarter of the~~  
14 ~~calendar year~~ the officer shall ~~before December 15 of each year,~~  
15 certify to the county auditor a list of the liens that remain unpaid for  
16 collection in the next May. The county and its officers and employees  
17 are not liable for any material error in the information on this list.

18 (f) The officer shall release any recorded lien when the delinquent  
19 fees, penalties, service charges, and recording fees have been fully  
20 paid. The county recorder shall charge a fee for releasing the lien in  
21 accordance with IC 36-2-7-10.

22 (g) On receipt of the list under subsection (d) or (e), the county  
23 auditor of each county (excluding a county having a consolidated city)  
24 shall add a fifteen dollar (\$15) certification fee for each lot or parcel of  
25 real property on which fees are delinquent, which fee is in addition to  
26 all other fees and charges. The county auditor shall immediately enter  
27 on the tax duplicate for the municipality the delinquent fees, penalties,  
28 service charges, recording fees, and certification fees, which are due no  
29 later than the due date of the next May installment of property taxes.  
30 However, in a county having a consolidated city, the delinquent fees,  
31 penalties, service charges, and recording fees are due not later than the  
32 due date of the next installment of property taxes. The county treasurer  
33 shall then include any unpaid charges for the delinquent fee, penalty,  
34 service charge, recording fee, and certification fee to the owner or  
35 owners of each lot or parcel of property, at the time the next cycle's  
36 property tax installment is billed.

37 (h) After the date of certification in each year, the officer may not  
38 collect or accept delinquent fees, penalties, service charges, recording  
39 fees, or certification fees from property owners whose property has  
40 been certified to the county auditor. This subsection does not apply to  
41 a county containing a consolidated city.

42 (i) If a delinquent fee, penalty, service charge, recording fee, and  
43 certification fee are not paid, they shall be collected by the county  
44 treasurer in the same way that delinquent property taxes are collected.

45 (j) At the time of each semiannual tax settlement, the county  
46 treasurer shall certify to the county auditor all fees, charges, and

1 penalties that have been collected. The county auditor shall deduct the  
2 service charges and certification fees collected by the county treasurer  
3 and pay over to the officer the remaining fees and penalties due the  
4 municipality. The county treasurer shall retain the service charges and  
5 certification fees that have been collected, and shall deposit them in the  
6 county general fund.

7 (k) Fees, penalties, and service charges that were not recorded  
8 before a recorded conveyance shall be removed from the tax roll for a  
9 purchaser who, in the manner prescribed by section 32(d) of this  
10 chapter, files a verified demand with the county auditor.

11 (l) A board may write off a fee or penalty under subsection (a) that  
12 is for less than forty dollars (\$40).".

(Reference is to HB 1138 as printed January 29, 2002.)

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Representative Wolkins